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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,592	10/24/2003	Vilas S. Ketkar	SVL920030070US1/2891P	1096
7590 01/08/2008 SAWYER LAW GROUP LLP P.O. Box 51418 Palo Alto, CA 94303			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,592

Applicant(s)

KETKAR ET AL.

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6, 8, 11-14, 16 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6, 8, 11-14, 16 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Amendment filed October 22, 2007. Claims 1-2, 7, 9-10, 15, 17-26 have been cancelled as requested by Applicant. Claims 27-34 are newly added and presented for initial examination. Claims 3-8, 11-16 are presented for further examination.

Claim Objections

1. Claim 27 objected to because of the following informalities: the third limitation recites "comparing the *fist* and second bit streams..." Examiner understands this to mean "comparing the *first* and second bit streams..." Appropriate correction is required.
2. Claim 16 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 16 is dependent upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-6, 8, 11-14, 16, 27-29, 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Menezes et al. (hereinafter "Men", US Patent 5,621,894).

As per claims 3 and 11, Men discloses the method and computer readable medium of claims 27 and 34, wherein each bit in the bit stream has a value (column 13, lines 63-67).

As per claims 4 and 12, Men discloses the method and computer readable medium of claims 3 and 11, wherein each bit corresponds to a feature (column 13, lines 30-50).

As per claims 5 and 13, Men discloses the method and computer readable medium of claims 4 and 12, wherein a feature is supported if the corresponding bit value is a one (1) (column 13, lines 30-45).

As per claims 6 and 14, Men discloses the method and computer readable medium of claims 5 and 13, wherein a feature is not supported if the corresponding bit value is a zero (0) (column 13, lines 30-50).

As per claims 8 and 16, Men discloses the method of claims 7 and 16, wherein the comparing step includes performing a logical AND operation between the bit streams (column 14, lines 18-40).

Art Unit: 2157

As per claim 27, Men discloses a method for communicating application programming interface (API) capabilities supported by a database of a first device to a second device for establishing communication, comprising the steps of:

generating a first bit stream to send from the first device to the second device, the first bit stream representing a highest API feature installed and intermediary API features installed on the first device, wherein all of the API intermediary features are not required to utilize the API highest feature (column 3, lines 33-45, column 5, lines 5-25, column 7, lines 38-55, column 11, lines 55-60, column 12, lines 13-50, column 13, lines 19-67);

receiving a second bit stream sent from the second device to the first device, the second bit stream representing a highest API feature installed and intermediary API features installed on the second device (column 3, lines 33-45, column 5, lines 5-25, column 7, lines 38-55, column 11, lines 55-60, column 12, lines 13-50, column 13, lines 19-67);

comparing the first and second bit streams to configure communications between the APIs for mutually supported features, the mutually supported features including a highest feature in common to both the first and second device and including the intermediary API features in common (column 4, lines 17-30, column 7, lines 38-55, column 8, lines 7-15).

As per claim 28, Men discloses the method of claim 27, further comprising:

Art Unit: 2157

responsive to the highest feature of the second bit stream being more recent than the highest API feature of the first bit stream, installing the highest API feature of the second bit stream and only the intermediary API features of the second bit stream that are not already installed in the first device (column 13, lines 30-45).

As per claim 29, Men discloses the method of claim 27, wherein the first and second devices adapt processing to utilize the resulting set of mutually supported API features during their connection (column 4, lines 18-45).

As per claim 31, Men discloses the method of claim 27, further comprising:
sending the first bit stream to a third device;

receiving at the first device a third bit stream from a third device, the third bit stream representing a highest API feature installed and intermediary API features installed in an API of the third device (column 3, lines 57-67).

As per claim 32, Men discloses the method of claim 27, wherein the first and second devices communicate across a network (column 6, lines 50-65).

Art Unit: 2157

As per claim 33, Men discloses a method for communicating capabilities supported by a first device to a second device for establishing communication, comprising the step of:

receiving a first bit stream at the second device from the first device, the bit stream representing a highest API feature installed and intermediary API features installed on the first device, wherein all of the intermediary API features are not required to utilize the highest API feature (column 3, lines 33-45, column 5, lines 5-25, column 7, lines 38-55, column 11, lines 55-60, column 12, lines 13-50, column 13, lines 19-67);

comparing the first and second bit streams to determine a highest common API feature and which of the intermediary API features need to be installed in the first device for communication with the second device using the highest common API feature and common intermediary API features (column 4, lines 17-30, column 7, lines 38-55, column 8, lines 7-15).

As per claim 34, Men discloses a computer readable medium containing program instructions for communicating application programming interface (API) capabilities supported by a database of a first device to a second device for establishing communication, the program instructions for:

generating a first bit stream to send from the first device to the second device, the first bit stream representing a highest API feature installed and intermediary API features installed on the first device, wherein all of the API intermediary features are not required

Art Unit: 2157

to utilize the API highest feature (column 3, lines 33-45, column 5, lines 5-25, column 7, lines 38-55, column 11, lines 55-60, column 12, lines 13-50, column 13, lines 19-67);

receiving a second bit stream sent from the second device to the first device, the second bit stream representing a highest API feature installed and intermediary API features installed on the second device (column 3, lines 33-45, column 5, lines 5-25, column 7, lines 38-55, column 11, lines 55-60, column 12, lines 13-50, column 13, lines 19-67);

comparing the first and second bit streams to configure communications between the APIs for mutually supported features, the mutually supported features including a highest feature in common to both the first and second device and including the intermediary API features in common (column 4, lines 17-30, column 7, lines 38-55, column 8, lines 7-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2157

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menezes et al. (hereinafter "Men", US Patent 5,621,894) in view of Applicant's Admitted Prior Art (AAPA).

As per claim 30, Men discloses the method of claim 27.

Men does not explicitly disclose wherein the APIs on the first and second devices comprises one or more of Open Database Connectivity (ODBC), Object Linking and Embedded Database (OLEDB) or Java Database Connectivity (JDBC).

However, the use and advantage of using such APIs is well-known to one of ordinary skill in the art as evidenced by AAPA (Specification, page 1, lines 14-19).

Therefore, one of ordinary skill in the art at the invention was made would have found it obvious to implement or incorporate AAPA's one or more of Open Database Connectivity (ODBC), Object Linking and Embedded Database (OLEDB) or Java Database Connectivity (JDBC) in Men's method in order that database server can be accessed.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

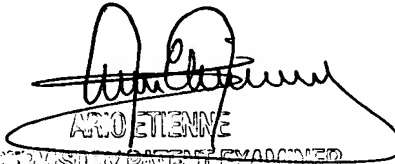
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Barbara N Burgess
Examiner
Art Unit 2157

January 5, 2007


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